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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

WESTERN WATERSHEDS PROJECT,

Plaintiff,

V.

DOUG BURGUM, in his capacity as
Secretary of the Interior,¹ U.S. FISH
AND WILDLIFE SERVICE, and
CLARK COUNTY, NEVADA,

Defendants.

Case No. 2:23-cv-02009-GMN-EJY

**JOINT MOTION FOR ENTRY OF
SCHEDULING ORDER**

JOINT MOTION FOR ENTRY OF SCHEDULING ORDER

Pursuant to the Court's Order dated April 9, 2024 (ECF No. 50), Federal Defendants the U.S. Fish and Wildlife Service and Doug Burgum, in his official capacity as Secretary of the Interior, and Plaintiff Western Watersheds Project hereby move for entry of a Scheduling Order and submit the following proposed schedule for production of the administrative record and briefing on the merits. The parties previously agreed that Plaintiff's claims shall be resolved

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Secretary of the Interior Doug Burgum is automatically substituted for his predecessor in office, Debra Haaland.

1 following the lodging and review of an administrative record, but that the time was not yet ripe to
2 set a deadline for the production of the administrative record or for motions for summary judgment
3 because Defendants' Motions to Dismiss Plaintiff's First Amended Complaint were still pending.
4 (See ECF 45, 46, 50). Defendants' Motions have now been resolved. (ECF 62). Therefore, Plaintiff
5 and Federal Defendants² conferred on a schedule for production of the administrative record and
6 briefing. The parties respectfully request that the Court enter the following schedule in this case:

7 **A. Administrative Record**

- 8 1. Pursuant to Fed. R. Civ. P. 12(a)(4), Federal Defendants' answer is due **April 9,**
9 **2025.**
- 10 2. No later than **June 18, 2025**, Federal Defendants shall provide Plaintiff with the
11 index to the Administrative Record for this case.
- 12 3. No later than **July 2, 2025**, Plaintiff will notify Federal Defendants of any concerns
13 regarding the contents the Administrative Record.
- 14 4. The parties shall confer and attempt to informally resolve any disputes regarding
15 the Administrative Record no later than **July 9, 2025**. The parties will inform the
16 Court in a status report no later than **July 9, 2025**, whether they agree that the
17 Administrative Record is complete.
- 18 5. Federal Defendants shall certify and lodge the Administrative Record with the
19 Court and serve that administrative record on Plaintiff's counsel no later than **July**
20 **16, 2025.**
- 21 6. Plaintiff shall file any motion regarding the Administrative Record no later than
22 **July 23, 2025**. Federal Defendants reserve the right to oppose any such motions.
23 The filing of any motions regarding the Administrative Record will stay the

26 _____
27 2 Plaintiff's claims against Defendant Clark County, Nevada were resolved when the Court
28 granted Defendant Clark County's motion to dismiss. Plaintiff and Federal Defendants conferred
with Clark County and stipulated that Clark County may submit an amicus brief. A proposed
date for the submission of that brief is included in this proposed schedule.

1 remaining deadlines in this briefing schedule, and the Parties will submit a new
2 proposed scheduling order within 21 days of the Court's order on such motions.

3 **B. Briefing on the Merits**

- 4 1. If no motions related to the Administrative Record are filed, Plaintiff shall file its
5 Motion for Summary Judgment and Opening Brief no later than **August 26, 2025**.
- 6 2. Federal Defendants shall file their combined Response to Plaintiff's Motion for
7 Summary Judgment and Cross-Motion for Summary Judgment no later than
8 **October 6, 2025**.
- 9 3. Pursuant to the parties' stipulation to Clark County submitting an amicus brief,
10 Clark County shall file its amicus brief no later than **October 6, 2025**.
- 11 4. Plaintiff shall file its combined Response to Defendant's Cross-Motion for
12 Summary Judgment and Reply in Support of its Motion for Summary Judgment no
13 later than **November 5, 2025**.
- 14 5. Plaintiff shall file its response to Clark County's amicus brief no later than
15 **November 5, 2025**.
- 16 6. Federal Defendants shall file their reply in support of their Cross-Motion for
17 Summary Judgment no later than **December 5, 2025**.

18 The parties respectfully request that the Court enter the foregoing schedule proposed by
19 the parties.

20 Dated: April 8, 2025

21 Respectfully submitted,

22 ADAM R.F. GUSTAFSON
23 Acting Assistant Attorney General
24 Environment & Natural Resources Division

25 */s/ Devon Lea Flanagan*
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5 Jointly proposed by:

6 WESTERN WATERSHEDS PROJECT

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19 *Attorneys for Plaintiff*

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22 **IT IS SO ORDERED** this 8th day of April, 2025.
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26 UNITED STATES MAGISTRATE JUDGE
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